G. R. S. IX-5]

Previous references.

Cur. No G 8416-27 dt 11-11-18
pp 6-18-36
Note No G 9338 dt 25-11-18
pp 134-18-22

Later references.

Corr No G 9378-432 dt 25-11-18
pp 134-18-26

pp 102-18 (27 to 29)
PP 6-19 (189)
Later refer

File No. 6-19

Serial Nos. 25, 30, 40, 56.

P.P. 6-23 Sls 1+2

GENERAL AND REVENUE SECRETARIAT.

P.P. 6-20 to 28 of 29.
P.P. 6-19 Sls 628 + 629

Serial Nos. Four

Part B for Sept 19.

SUBJECT.

Food Supply arrangements.

Sl 56) To, The Dy Commissioner
Memo 5702 dt 4.9.19.
State that the party may be informed that he is entitled to payment at the rate of Rs 20/- per bullock, and in case a suit is filed against him he may contest it on his own behalf. Govt Advocate's opinion & return of file & papers.

W D 1250—GPB—30,000 - 28-1-19

Rec 25/4

G. R. S. III—1] 1919.

GENERAL AND REVENUE SECRETARIAT.

(P-P)

NOTES.

File No. 6

FILE HEADING.

Food supply arrangements

From The Dy Comr Nellore Dt

No. 764 Dated 26/28.7.19 Received 30.7.19

Diary No. 1934	Enclos. 1 file Spare Copies. -	Serial No. 25

BRIEF ABSTRACT OF LETTER.

Submits for orders the papers relating to the claim of one Krishnappa of Ganjam for the amount due to him for supplying 156 pallas of rice to his predecessor Mr. J. Chokkanna.

NOTES AND ORDERS.

The papers submitted show that the Dy Comr Nellore obtained from Krishnappa on the 26th Nov 1918 - 156 pallas of rice which he had collected at the Serugapalam Rly Stn for Nellore

NOTES—First Sheet.

Serial No.

to Bangalore. There is no reference of any price having been fixed therefor. At the time Krishnappa Subo a bill for Rs 4024-6-6 on their account charging rates ranging from Rs 23 to Rs 24-8-0 per palla. The present Dy Comr has since paid Rs 3120 to the ~~purchasers~~ 20 merchants at the rate of Rs ~~24~~ per palla. The maximum wholesale rate fixed by Govt for 1st class rice in the mysore Dt. & Solicits orders regarding the claim for the balance of Rs 904-6-6. This amount includes a comn of Rs 78-13-0 at Rs 2 per palla

2 Subo for orders.

HE

31/7/19

Chief Secy

Hm
31-7-19.

3 Please consult F.C & D.C's for information as to whether Gole siddiya Setty had been given priority certificate to export the rice from Mysore Dt, & also for his general remarks on the case.

4 The rules at the time were very

NOTE—Contn. sheet

3/12/19

R. S. III-2

General and Revenue Secretariat.

P. P File No. 6 of 1919.

3

Serial No.

Strict ~~of~~ do not think the D.C could pay more than the ~~retail~~ wholesale maxm. prices prescribed in the note of 25/7/00'18. To pay more would be illegal. Please also put up a copy of the rules then in force

5 It is not clear from the papers how our Chokkanna "secured the rice"!

Bombay vide Flag T.

Ag
3/8/19

Hm
4-8-19

6 Draft put up
Ag
4/8/19

7 Issue Hm
4-8-19

30 To

The Food Controller
No. S. 28946 5.8.19 in Mysore

For ~~a copy of~~ his remarks a copy of letter no 7.64 of 26.7.19 ref'd to in it

Secs. A — 25/40

from the above
No 3322 of 13/14.8.19
forwarding his remarks on the case & also states that a priority certificate had been issued on the 6th IV 18 for the transport of 400 bags of rice from Serugapa to Bangalore city in favour of

NOTE—Contn. sheet

R. S. III-2.

General and Revenue Secretariat.

P. P File No. 6 of 1919.

Serial No.

Yele Sobhanagappa Setty
& Sons with refce to para 3 of the
last notes.
16/8/19

Chief Secy

16-8-19.

Please consult Govt Advocate

16/8/19

No. 37 16.8.19 Forwarded unofficially to the Government Advocate with Compliments in favour of opinion.

By order
Bojanna Nathe
for Chief Secy

16-8-19

No. 6127 No. P.P. 18/1919-2 dy 29.8.1919.

Ch Secy's Office
28 AUG 1919 /S.

11

Regarding the claim of Krishnappa of Ganjam for more than what has been allowed by the D.C. of the Nuzvid District, the materials available from the file are very meagre from the standpoint of the facts of the case.

-/2 The Advocate for the party in his first notice dated 27-5-19 has made a series of allegations as to the alleged understanding between the party and Mr Chokkan regarding the terms under which the

NOTE—Contn. sheet

General and Revenue Secretariat. | P. P File No. 6 of 1919.

Serial No.

the rice was taken over, and about the "patti" or bill said to have been presented by the party in person to Mr Chokkanna and other matters referred to therein. There is nothing in the records to show whether these allegations are true or false. Mr. Chokkanna's D.O. dated 18/6/19 is silent on these points as also on the question of the rate fixed. But the letter of the present D.C. shows that the rate fixed was Rs 20/- per palla.

13 Under these circumstances I am not in a position to express an opinion on the facts of the case.

14 I shall however give my opinion on the legal aspect of the case.

15 Under Govt Notification No. Gr 8689-P.P.-1002-18-2 dated 12/11/19 issued under Sub-rule 2 (b) of Rule 3 B of the Rules under the Defence of India Act of 1915, Wholesale maximum prices for the sale of rice were fixed and those for the Mysore District were Rs 17/- per palla. This order was, however, subsequently modified and

Superseded

. R. S. III-2,

General and Revenue Secretariat.

P File No. 6 of 1919. 6

Serial No.

Superceded by G.O. No G 9378-432 PP 134-18-2 dated 25-11-1918 and fresh rates were fixed at Rs 191- as the commandeering rate and Rs 210- as the Wholesale maximum price per kalle of first sort- of rice for the Mysore District.

16 As this subsequent order was issued from Bangalore on the 25th Nov: it is not likely that either the party or Mr Chokkanna was aware of this enhancement of the price at the time the rice in question was taken over. (on 26-11-18) And the rate as understood till then was only Rs 17/- per kalle according to the order dated 12-11-1918. Anyhow, having regard to the fact that the transaction was subsequent to the date of the 2nd G.O. the party must be deemed to be entitled to the benefit of the same.

17 There is nothing to show that the rice in question was commandeered as the procedure laid down for the purpose does not appear to have been adopted. The transaction

Serial No.

has therefore to be considered as one of sale at the order wholesale maximum rate at Rs 20/- the rate referred to in Mr Bowring's letter.

8 Even in the absence of any express understanding as to the rate at the time the rice was taken over, Rs 20/- must be deemed to be the price as the party could not have sold the rice Wholesale at anything over Rs 20/-, without running the risk of being prosecuted. Nor could Mr Chokkanna be considered to have had any authority, as the agent of Government, to fix a rate higher than that fixed by Government

9 Even assuming that Mr Chokkanna did in fact agree to pay at a rate higher than Rs 20/- Government will not, in my opinion be bound by such a promise. The party can look to Govt for payment only of Rs 20/- and not more. For the balance he has to look to Mr Chokkanna for payment

20 The amount offered by the D.C. is all that the party is entitled to get from the Government.

W Shanbaccam
Govt Advocate
26-8-19

3232

8

. R. S. III-2,

General and Revenue Secretariat. | P-V File No. 6 of 1910

Serial No.

21. Subd

Hg

30/8/09 Draft according to (i.e authorises payment at Rs 20 per pakka only.

Bno
30-8-09

Draft subd

Hg

30/8/09

Bno
30-8-09.

Chief Secy

Dewan

DEWAN'S OFFICE.
Recd. on SEP 1 1909
Reg. No. 1458

cbx
31/8/09

Bno
1-9-09

(Draft appd. by the Dewan)

Issue

cbx
3/9/09 Bno
3-9-09

56 To

The Dy Commissioner
Neyoor Dt

No. J. 5702 of 4.9.09

States that the party may be informed that he is entitled to payment at the rate of Rs 20 only per pakka, and in case a suit is filed against him he can [illegible] in the terms of the Govt Order opinion and refer in

CHIEF SECRETARY
POLITICAL BRANCH.
6 SEP 1910

1934

No. 64 Fin-Rev-Ex/1918-19 M.6.19 & 25

Office of the Deputy Commissioner,
Mysore District.
Dated, Mysore, 26th July 1919.

From

P.F. Bowring, Esquire,
Deputy Commissioner,
Mysore District.

To

C.S. Balasundaram Iyer, Esquire, B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Sir,

I have the honor to bring to the notice of Government the following facts for such orders as they may be pleased to pass in the matter.

2. On 26th November 1918, my predecessor Mr. T. Chokkanna on being informed by the Vice President of the Mysore City Municipal Council, that the Municipal Depot had no stock of rice and that some was also urgently required to meet the requirements of the Palace, proceeded at once to Seringapatam and secured 156 palla bags of rice which one Krishnappa alias Papanna of Ganjam had collected at the Railway Station for being sent to Bangalore. The rice bags were sent to Mysore and 141 palla bags were supplied to the Municipal Depot and the remaining 15 were issued to the District Office Officials.

3. On the 27th May 1919, Mr. L. Srinivasiengar, Advocate, Bangalore, wrote to me on behalf of Krishnappa demanding payment of Rs.4024-6-6 in full settlement of the cost of the rice. On enquiry, I ascertained that Mr. Chokkanna had agreed to pay at the then wholesale price of Rs.20/- per palla though the commandeering rate was a rupee less. I wrote back to the Advocate informing him that his client's claim for Rs.4024-6-6 was untenable and that he wouldbe paid at this price for the entire stock of 156 pallas on

2794 WD 0463—GPB—3,00,000—21-7-17—BP.

191

CHIEF SECRETARIAT II POLITICAL BRANCH 30 JUL 1919

From

The Deputy Commissioner,

Mysore District.

To

The Chief Secretary to Govt.,

Bangalore.

Dated 26th July 1919.

Despatched 28-

Received

General No. 764 Pol—20

No.

Enclosure No. 1 file

Re the claim of value of rice purchased from one Krishnappa alias Papanna of Ganjam, Seringapatam Taluk.

on any day he might apply for it before the 14th June 1919.

4. Krishnappa appeared before me on the 12th June and received payment of the above sum of Rs.3120 under protest claiming that a balance of Rs.904-6-6 was still due to him.

5. On the 25th June I received another letter from the Advocate Mr. L. Srinivasa Iyengar giving me notice that "unless the balance of Rs.904-6-6 together with interest on Rs.4024-6-6 from 26th November 1918 to 12th June 1919 at 12% per annum together with costs etc, is paid", a suit will be filed against me in my official capacity for recovery of the same.

6. In reply to the above, the Advocate has been informed that Government would be addressed and their orders obtained.

7. I thereupon wrote to the Honorary President of the Mysore City Municipal Council, enquiring if as stated by Mr. Chokkanna, the Vice President Mr. Narayana Rao had asked him to obtain some rice for the Palace. In reply, Mr. C. Srikanteswara Iyer writes to say that the Vice President did not ask rice for the Palace as there were no transactions between the Palace and the Municipality during that month, but that he asked for a supply of the same to the public in the City.

8. In these circumstances, I request that orders of Government may kindly be obtained about the claim of Krishnapp referred to above.

9. The file of papers as per accompanying pherist is here with submitted for reference.

I have the honor to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Mysore District.

G. R. S. VI—G/32]

SUBJECT.....

....

....

Diary No. of letter replied to..... .....

Section M/6

File No. 11/2

Serial No.

GENERAL AND REVENUE SECRETARIA

( )

, the *191* .

No. 92894

Date of issue 5/8/19

Signed by W. A. R.

To The Food Controller &
Dy. C. S. in Mg.

Sir

I am directed to forward herewith for your remarks a copy of letter no. 7-64 G 26 th June 1919 (with its enclosures in original - both kindly returned with

over.

the reply) from the Dy Com^{r} -
Mysore Dist regarding the
claim of one Krishnappa
of Gangavara towards
the ~~cost~~ cost of 156 palms
of rice supplied by him
under the orders of the
CMS: Dy Com^{r} - Mr J.
Chokkanna -

2. Information may
also be furnished as
to whether priority ar-
- rangements have been
granted to Yelahanka -
- Lorry of Bangalore for the
transporting the quantities
to Bangalore
in question as alleged
by the claimant. Krishnappa

List of enclos

Examined by.

Please etc -

WD 1744—GPB—30,0 19-3-19

4-8-19

Acknowledge

3232

No. 3322 Office of the Food Controller and
1 File Director of Civil Supplies in Mysore,
Bangalore, 13th August
14

4586

From

K. Matthan, Esq., B.A.,
Food Controller and Director
of Civil Supplies in Mysc

SEC. OFFT.
15 AUG 1919

To

C. S. Balasundaram Iyer, Esq., B,A.,
Chief Secretary to the Govt. of Mysore.

Sir,

With reference to your letter No. G.2894/P.P.6-19-30 of the 5th instant, regarding the claim of one Krishnappa of Ganjam towards the cost of 156 pallas of rice supplied by him under the orders of the officiating Deputy Commissioner Mr. T. Chokkanna, I have the honour to state that as stated enclosure No. 1 to the Deput Commissioner's letter, a petition on this subject, was received by me in April 1919 and was forwarded to the Deputy Commissioner, Mysore District, with my No.6886 of the 17th idem, with a request to be furnished with information as to the facts of the case. In reply the Deputy Commissioner has forwarded to me a copy of his letter No. F.64 of the 26th ultimo addressed to you. There is thus no other information available on this subject in my office.

2. As to the merits of the case, it appears to me that the transaction cannot be regarded as one of commandeering under the Defence of India Regulation since the procedure prescribed has not been followed. It is to be regarded as one purchase by negotiation. Mr. Chokkanna in his letter of the th June to the Deputy Commissioner does not say on what terms the rice was secured, but merely says that he "secured the 156 pallas of rice that were being sent to Bangalore without

without sanction". In the Deputy Commissioner's communication it is stated"that Mr. Chokkanna had agreed to pay at the then wholesale price of Rs.20 per palla though the commandeering rate was a rupee less", while Krishnappa's lawyer says that"it is not a fact that a rate of Rs.20 per palla was offered or accepted" and that he was asked by Mr. Chokkanna "to go to Mysore with a patti or list of the details of the amount due to him." Which of these statements is correct is a question of fact.

3. Priority certificate No.205722 of the 6th November 1919 had been issued for the transport of four hundred bags of rice from Seringapatam to Bangalore City in favour of Mr. Yele Siddalingappa Setty. This certificate was issued by the then Director of Civil Supplies; the office of the Food Controller had not then been created.

4. The original enclosures sent with your letter under reply are herewith returned.

I have the Honour to be,

Sir,

Yourmost obedient servant,

Food Controller & Director.

G. R. S. VI—G/32]

SUBJECT.....

Diary No. of letter replied to..... .....

GENERAL AND REVENUE SECRETARIAT

( )

, the *191*

Date of issue 4/9

Signed by

Confidential Section

File No.

Serial No.

No. 5702 file.

To The Dy. Com

Nigne Dt.

Sir

I am to refer to your
letter no. 764/G 26/28 dt. 30
1919 regarding the clai
of the Kurichiappa of
Ganjam, Serugapata
Rs. towards the cost of
56 pallars of rice supplie
by him, and am directed

to state that the party may be informed
that he is
entitled payment of
1
at the rate of Rs 20/- only.

Per Palla

+

~~Rs payment~~. 2. In case a suit is filed against you, you may
Contest it on the lines of the Govt Advocate's opinion herewith sent
for your reference & for that of the Public Prosecutor.
3. The file of papers received
with your letter under reference
is herewith returned.

2.9.19

Thave etc

CBS

Chief Secy

45703

Copy with compliments
to the Food Controller with
reference to his letter No 3322 (S)
13/14. 8. 19

BO

CBS

Copied by

Asst Chief Secy

Examined by

List of enclosures.

WD 1744—GPB—80,000—19-3-19